**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.24393 of 2006

Dated: 22.01.2007

Between:

B. Narsaiah.

**..... PETITIONER**

AND

The District Panchayat Officer, Karimnagar, and others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE V.V.S. RAO**

WRIT PETITION No.24393 of 2006

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.2.13 gts in survey No.626 and Acs.2.00 in survey No.592 situated at Kothapalli, Karimnagar Mandal and District. The property was subject matter of civil litigation which ultimately ended up in S.A.No.353 of 2003 which is pending before this Court. This Court, in said Second Appeal, passed interim orders in C.M.P.No.7549 of 2003 on 15.04.2003 ordering *status quo*. Be that as it is, third respondent, who is a party to the civil litigation, appears to have obtained permission dated 20.08.2002 from the Secretary of Gram Panchayat, second respondent. Aggrieved by the same, second respondent preferred an appeal before first respondent. In the said appeal, first respondent passed interim orders on 09.09.2002 directing second respondent to stop further constructions. The same was subject matter of challenge in W.P.No.17805 of 2002 before this Court. This Court allowed said writ petition on 21.10.2002 and directed first respondent to consider the matter afresh after impleading third respondent. The matter is still pending before first respondent. Alleging that third respondent encroached upon a portion of the land in survey No.592 and is trying to make construction illegally instant writ petition is filed. The petitioner seeks a direction to first respondent to dispose of the appeal immediately.

The learned Assistant Government Pleader for Panchayat Raj and Rural Development and the learned standing for second respondent, after obtaining instructions, submit that as no officer is posted as District Panchayat Officer(DPO), the appeal was not disposed of. They also submit that at present, the Project Director to Sarva Siksha Abhiyan, Karimnagar, is holding Full Additional Charge (FAC) of the post of DPO. Therefore, there cannot be any objection if first respondent disposes of the appeal expeditiously.

Accordingly the writ petition is disposed of directing first respondent (FAC of DPO) to dispose of the appeal filed by the Gram Panchayat within a period of four weeks from the date of receipt of a copy of this order after giving notice to the petitioner as well as third respondent. It shall be open to the petitioner and third respondent to place all the material before first respondent when the appeal is heard. No costs.

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(**V.V.S.RAO, J**)

22nd January, 2007

ghn